

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: BAIR HUGGER FORCED AIR
WARMING DEVICES PRODUCTS
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/DTS)

This Document Relates To:

Petitta v. 3M Co., 16-cv-3878

**DECLARATION OF BENJAMIN W.
HULSE IN SUPPORT OF
DEFENDANTS' MOTION FOR A
PERMANENT INJUNCTION
BARRING PLAINTIFF JOHN
PETITTA FROM RELITIGATING HIS
CLAIMS IN STATE COURT**

Benjamin W. Hulse, being first duly sworn, deposes and declares:

I am an attorney at the law firm of Blackwell Burke P.A., and one of the attorneys representing 3M Company and Arizant Healthcare Inc. (together, "Defendants") in this litigation. I submit this declaration in support of Defendants' Motion for a Permanent Injunction Barring Plaintiff John Petitta ("Petitta") from Relitigating His Claims in State Court. Unless otherwise stated, the facts set forth herein are based upon my personal knowledge, information, and belief.

1. Attached as Defendants' Exhibit 1 is Petitta's Petition in Texas State Court, filed on November 14, 2016, asserting causes of action for negligence, strict liability, and breach of warranty based on his right knee replacement surgery.

2. Attached as Defendants' Exhibit 2 is an e-mail sent on November 22, 2016 by my colleague Mary S. Young, also one of 3M's Counsel, to Levin Papantonio (Petitta's counsel in the state court case was also copied on this e-mail), alerting counsel of Petitta's duplicate filings.

3. Attached as Defendants' Exhibit 3 is an e-mail sent on April 5, 2017, from Levin Papantonio to my colleague Mary S. Young, proposing a stipulation for dismissal with prejudice of Petitta's claims against 3M in the federal Bair Hugger MDL.

4. Attached as Defendants' Exhibit 4 is an e-mail sent on April 5, 2017, from my colleague Mary S. Young to Levin Papantonio, consenting to the stipulation of dismissal with prejudice of Petitta's claims against 3M in the federal Bair Hugger MDL.

5. Attached as Defendants' Exhibit 5 is Petitta's Stipulation of Dismissal with Prejudice, filed on April 5, 2017, and signed by the parties.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Minneapolis, Minnesota, this 5th day of June, 2019.

s/Benjamin W. Hulse
Benjamin W. Hulse